Pending court cases

1402. SHRI JANARDHANA POOJARY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of cases pending in various courts in the country, with break-up of civil and criminal cases that are pending for more than 10, 5 and 3 years, category-wise and Court-wise;

(b) whether it is a fact that lack of adequate judicial and other officers in the Courts, including lack of staff to serve notices, summons and warrants, is the primary reason for pendency of cases; and

(c) if so, the details thereof and the measures proposed to be taken to staff the courts adequately and speed up disposal of court cases?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) The information is being collected and will be laid on the Table of the House.

(b) and (c) There are many reasons for pendency of cases. A list is annexed as Statement.

Statement

Reasons for cases pending In courts

Among others, following reports of the various committees and Law Commission of India have highlighted the causes of pendency of cases in courts:—

(i) Law Commission of India (1958): "The fourteenth Report on Reform of Judicial Administration".

(ii) Government of India (1972): "Report of High Court Arrears Committee".

(iii) Law Commission of India (1979): "The Seventy Ninth Report on delays and arrears in High Courts and other appellate courts."

(iv) Government of India (1990): "Report of the Arrears Committee (Malimath Committee Report)".

Over all, the following 29 factors have been identified as leading to accumulation of arrears:

Reasons for cases pending in courts

(i) Population and Litigation Explosion.

(ii) Granting of unnecessary adjournments.

(iii) Lack of priority of disposal of old cases.

(iv) Additional burden on account of Election Petitions.

(v) Accumulation of First appeals.

(vi) Continuance of the ordinary original civil jurisdiction in some of the High Courts.

(vii) Inadequacy of Judge strength.

(viii) Delays in filling up of vacancies in the High Courts.

(ix) Inadequacy of staff attached to the High Courts.

(x) Unsatisfactory appointment of judges.

(xi) Inadequacy of accommodation.

(xii) Failure to provide adequate forums of appeal against quasi judicial orders.

(xiii) Inordinate concentration of work in the hands of some members of the Bar.

(xiv) Lack of Punctuality of judges.

(xv) Civil Revisions—Indiscriminate exercise of jurisdiction.

(xvi) Second Appeals—ignoring the limitations on exercise of jurisdiction.

(xvii) Long arguments and prolic judgments.

(xviii) Unsatisfactory selection of Government Counsel.

(xix) Lawyers not appearing in courts due to strikes etc.

(xx) Hasty and imperfect legislation.

(xxi) Plurality of appeals and hearing by Division Bench.

(xxii) Inordinate delay in the supply of certified copies of judgments/ orders.

(xxiii) Indiscriminate resort to write jurisdiction and PIL.

(xxiv) Letters Patent Appeal.

(xxv) Inadequacy in classification and grouping of cases.

(xxvi) Constitution Benches and their frequent changes.

(xxvii) Indiscriminate closure of courts.

(xxviii) Appointment of sitting judges as Commissions of Inquiry.

(xxix) Printing of Paper Book in Criminal matters.

Delimitation of constituencies

1403. SHRI SHANTARAM LAXMAN NAIK: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the delimitation commission has completed its task;

(b) if not, the names of the States with respect to which final notifications has been published;

(c) by when the delimitation is proposed to be brought in force;

(d) whether communities included in the list of scheduled tribes after publication of census figures of 2001 are going to be considered for the reservation of the seats for Parliament and Assembly Constituencies;

(e) whether the population criteria adopted by the Commission is supported by the provisions of the Delimitation Act; and

(f) if so, the details of the representation received by Government and the Commission in this regard?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) No, Sir.

(b) The States where Final Orders in terms of section 10 of the Delimitation Act, 2002 have been notified are as under:—